

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill in the emergency preamble in the 3rd paragraph in the last 2 lines (page 1, lines 8 and 9 in L.D.) by striking out the following: "as early as January 15, 2008 or subsequently on June 10, 2008" and inserting the following: 'on or before June 10, 2008'

Amend the bill by striking out all of section 1 and inserting the following:

**Sec. 1. 20-A MRSA §1305-C**, as enacted by PL 2007, c. 240, Pt. XXXX, §11, is amended to read:

**§ 1305-C. Mandatory budget validation and cost center summary budget form**

Notwithstanding any other law, school administrative district budgets developed after January 1, 2008 must conform to the format and referendum procedures for regional school units as set forth in sections 1305-A and 1305-B 1485 and 1486. A school administrative district is deemed to be a regional school unit solely for the purpose of developing a budget pursuant to sections 1485 and 1486.

**Sec. 2. 20-A MRSA §1452**, as enacted by PL 2007, c. 240, Pt. XXXX, §13, is amended to read:

**§ 1452. Application of general law; core functions of a regional school unit**

Notwithstanding any provision of law to the contrary, schools operated by the regional school units established in accordance with this chapter are the official schools of the participating municipalities. The provisions of general law relating to public education apply to these schools. State funds for public schools must be paid directly to the treasurer of a regional school unit. The core functions for which a regional school unit is responsible include without limitation:

**1. Employment of superintendent.** Employment and discharge of a superintendent pursuant to section 1001, subsection 3 and chapter 101, subchapter 2;

**2. Performance of business functions.** Administration of accounting, payroll, financial management, purchasing insurance and auditing;

**3. Special education administration.** Administration of special education duties of school administrative units under chapter 303;

**4. Transportation.** Administration of transportation;

**5. Core curriculum.** Adoption of a core curriculum, standardized testing and assessments aligned with the system of learning results established in section 6209;

**6. Budget.** Adoption of the regional school unit budget;

**7. Reporting.** Reporting required by state or federal law or regulation;

**8. Employment.** Functioning as the employer of all employees working within the regional school unit for collective bargaining purposes and for all other purposes, including but not limited to those contained in section 1464, in Title 26, chapter 9-A and in all state and federal laws regulating the rights and duties of employers and employees;

**9. School calendar.** Establishment of a common school calendar, subject to local variations permitted by the regional school unit board; and

**10. Adoption of policies.** Adoption of policies for all schools in the regional school unit pursuant to section 1001, subsection 1-A, except that the local school committee may adopt policies not in conflict with the regional school unit policies.

**Sec. 3. 20-A MRSA §1461-A** is enacted to read:

**§ 1461-A. Transitional powers and duties of initial regional school unit board**

As used in this section, unless the context indicates otherwise, "regional school unit board" means the initial regional school unit board elected pursuant to section 1472-A. From the time of election of the regional school unit board to July 1st of the regional school unit's first operational year, the regional school unit board shall establish interim rules of procedures and shall elect officers who shall serve until officers are elected at a meeting following the operational date of the regional school unit. The regional school unit board's powers and duties during this period are governed by this section.

**1. Selection of superintendent.** The regional school unit board shall select a superintendent for the regional school unit in accordance with section 1051 to carry out the duties specified in section 1055. During the interim period, the salary, office and other expenses of the superintendent, as well as the costs of the regional school unit board, including insurance, must be allocated to the school administrative units by the cost-sharing formula established in accordance with section 1481-A and included in the reorganization plan for the regional school unit.

**2. Budget preparation and approval.** The regional school unit board shall prepare the annual budget for the first operational year of the regional school unit in time for its presentation to and consideration by the regional school unit board in accordance with subchapter 4. Specific duties may be assigned to existing personnel with the approval of the employing school administrative unit. The regional school unit board shall complete the budget development process and recommend a budget for consideration by the legislative body responsible for final budget approval and the residents of the regional school unit. The budget format, approval procedures and assessments for the regional school unit's first operational year budget must be in accordance with this chapter.

**3. Authorization.** The regional school unit board is authorized to take all other actions provided under state law to prepare the regional school unit to become operational on July 1st for the first operational year, including the authority to open and maintain accounts, to incur expenses to be allocated among the regional school unit's member school administrative units in accordance with the reorganization plan for the regional school unit and to file applications for school construction projects and revolving renovation fund loans and other available funding.

**4. Fiscal agent.** The regional school unit board is authorized to expend start-up funds for the regional school unit. A school administrative unit within the regional school unit may serve as a fiscal agent and may expend any start-up funds on behalf of the new regional school unit prior to the regional school unit's operational date without calling for a special meeting of the local legislative body.

**Sec. 4. 20-A MRSA §1472, sub-§2, ¶C,** as enacted by PL 2007, c. 240, Pt. XXXX, §13, is amended to read:

C. A plan may not permit the voting power of any director to exceed by more than ~~2%~~5% the percentage of voting power the director would have if all 1,000 votes were apportioned equally among the directors.

**Sec. 5. 20-A MRSA §1472-A** is enacted to read:

**§ 1472-A. Election of initial regional school unit board**

**1. Election; interim secretary; duties.** Within 30 days of the issuance of a certificate of organization for the regional school unit by the state board pursuant to section 1461, subsection 7, the members of the school boards of the school administrative units within the regional school unit shall conduct a joint meeting for the purposes of electing an interim secretary of the regional school unit and determining a date for the election of the initial regional school unit board. The interim secretary shall notify the municipal officers of the member municipalities of the regional school unit of the date of the election. The election must be conducted in accordance with section 1473, subsection 2, except that the election duties of the secretary and the regional school unit board must be performed by the interim secretary. The duties of the interim secretary include:

- A. Notifying the municipal officers of the date of the election;
- B. Furnishing nomination papers at least 10 days before the deadline for filing nomination papers;
- C. Receiving completed nomination papers in accordance with section 1473, subsection 2;
- D. Preparing and distributing election ballots in accordance with section 1473, subsection 2;
- E. Receiving the town clerk's certification of the results of the voting in each member municipality;
- F. Tabulating the town clerk's certification of the results of the voting in each member municipality;
- G. Accepting any recount petitions that may have been filed pursuant to section 1473, subsection 2, paragraph C; and
- H. Totaling the votes cast for each candidate and notifying the clerk in each municipality, the candidates and the commissioner of the final results of the voting and the names and addresses of the persons elected as directors.

**2. Initial meeting.** In accordance with section 1473, subsection 1, the clerk of each municipality within the regional school unit shall forward the names and addresses of the directors elected to represent that municipality to the state board with other data regarding their election as the state board may require.

On receipt of the names and addresses of all of the directors, the state board shall set a time, place and date for the first meeting of the directors and give notice to the directors in writing, sent by registered or certified mail, return receipt requested, to the addresses provided by the municipalities.

**Sec. 6. 20-A MRSA §1472-B** is enacted to read:

**§ 1472-B. Staggered initial terms**

Notwithstanding section 1471, subsection 2, the initial directors elected to a regional school unit board shall meet and draw lots for their term lengths as specified in this section.

**1. Municipalities with annual elections.** In municipalities with annual elections, 1/3 of the directors serve one-year terms, 1/3 of the directors serve 2-year terms and 1/3 of the directors serve 3-year terms. If the number of directors is not evenly divisible by 3, the first remaining director serves a 3-year term and the 2nd remaining director serves a 2-year term.

**2. Municipalities with biennial elections.** In municipalities with biennial elections, half of the directors serve 4-year terms and half of the directors serve 2-year terms. If the number of directors is not divisible by 2, the remaining director serves a 4-year term.

The directors shall serve their terms as determined under this section and any additional period until the next regular election of the municipalities. Thereafter, the directors' terms of office are as established in section 1471.

**Sec. 7. 20-A MRSA §1478,** as enacted by PL 2007, c. 240, Pt. XXXX, §13, is repealed and the following enacted in its place:

**§ 1478. Local school committees**

**1. Formation.** A reorganization plan under section 1461 or a regional school unit board may authorize the formation of a local school committee for a member municipality established in accordance with chapter 111, subchapter 1.

**2. Delegation of functions.** A reorganization plan that has been approved in accordance with subchapter 2 or a regional school unit board may delegate a local school committee to perform any duties, functions and services other than those reserved to the regional school unit under subchapter 1. The core functions provided by a regional school unit pursuant to section 1452 may be supplemented at the expense of any member municipality.

**3. Budget responsibility.** A reorganization plan that has been approved in accordance with subchapter 2 or a regional school unit board may authorize a local school committee to present to the board a proposed budget for the local school in a form that is consistent with section 1485. The proposed local school budget must be submitted in time to be included in the budget for the regional school unit. Proposed expenditures that are not included in the regional school unit budget may be separately appropriated by the municipality to be expended by the regional school unit in accordance with the appropriation. Supplemental municipal appropriations for education are not subject to section 1486.

**4. Title to property.** School property overseen by a local school committee may be owned either by the municipality or by the regional school unit as long as there is a clear allocation of responsibilities for management of all of the school property in the regional school unit.'

Amend the bill in section 3 in §1481-A in subsection 3 in paragraph A in subparagraph (2) by striking out all of the first 3 lines (page 2, lines 15 to 17 in L.D.) and inserting the following:

(2) Under an alternate method of cost sharing, municipalities in a unit shall share costs based on:

Amend the bill in section 3 in §1481-A in subsection 3 by inserting after paragraph A the following:

'B. A process of amending the cost-sharing formula must be included in the reorganization plan.'

Amend the bill in section 3 in §1481-A in the last indented paragraph in the 2nd and 3rd lines (page 2, lines 32 and 33 in L.D.) by striking out the following: "a school serving children from kindergarten to no higher than grade 8." and inserting the following: 'any school within the regional school unit.'

Amend the bill by inserting after section 3 the following:

**'Sec. 4. 20-A MRSA §1482-A** is enacted to read:

#### **§ 1482-A. Budget meeting**

A regional school unit board shall hold a regional school unit budget meeting at a time it determines.

**1. Warrant.** The budget meeting must be called by a warrant. The warrant must:

A. Be signed by a majority of the regional school unit board;

B. Specify the time and place of the meeting;

C. Include the proposed school budget and other articles the regional school unit board chooses to place before the voters, excluding authorization to borrow money for school construction purposes;

D. Specify the state and local shares of the state-local allocation and local leeway and additional expenditures without state participation; and

E. Be directed to a resident of the regional school unit by name ordering the resident to notify all voters within the regional school unit to assemble at the time and place appointed.

**2. Notice.** An attested copy of the warrant must be posted by the person to whom it is directed in some conspicuous public place in each of the municipalities within the regional school unit at least 7 days before the meeting. The person who gives notice of the meeting shall make a return of the posting on the warrant stating the manner of notice in each municipality and the time when it was given.

**3. Requested articles.** If requested by a written petition of at least 10% of the number of voters voting for the gubernatorial candidates in the last gubernatorial election in each municipality within the regional school unit, the regional school unit board shall place specific articles, not in conflict with existing state statutes, in the warrants for consideration at the next annual regional school unit budget meeting. To be included in the warrant, a petition must be received by the regional school unit board at least 15 days before the date set for the budget meeting. When placed on the warrant, the articles must be considered before action relating to the appropriation of money for the operation of schools may be taken.

**Sec. 5. 20-A MRS §1482-B** is enacted to read:

**§ 1482-B. Annual budget meeting procedures**

The following procedures must be used at a regional school unit annual budget meeting.

**1. Election of moderator.** The secretary of the regional school unit board or the chair of the regional school unit board when the secretary is absent shall open the annual budget meeting and call for the election of a moderator, receive and count votes for the moderator and swear in the moderator.

**2. Appointing ballot clerks.** The moderator shall appoint from the certified voting list the ballot clerks necessary for the efficient operation of the annual budget meeting. The moderator shall swear in the clerks.

**3. Budget consideration.** The superintendent of the regional school unit shall thoroughly explain the budget. The voters must have an opportunity to be heard. The voters may change only items dealing with:

- A. The expenses necessary to operate the regional school unit;
- B. Appropriations for the reserve fund; and
- C. Appropriations for the contingency fund and school construction purposes.

**4. Approval.** A majority vote of those voters present and voting is necessary for the approval of the annual budget.

**5. Voting lists.** Registration of voters for the annual budget meeting must be held in each member municipality in accordance with Title 21-A, section 122.

- A. Prior to the annual budget meeting, the municipal clerks of the member municipalities shall supply to the regional school unit board certified corrected copies of the registered voters of their municipalities.
- B. The certified corrected copies under paragraph A must be used in determining the voters who are eligible to vote at the annual budget meeting.

**6. Written ballot.** An article must be voted on by written ballot if at least 10% of those present and voting vote to use a written ballot. The department, in consultation with municipal and school officials and with organizations representing those officials, shall develop and distribute guidelines to assist regional school unit annual budget meeting moderators in explaining and implementing this subsection.

**Sec. 6. 20-A MRSA §1506, sub-§1, ¶A,** as enacted by PL 2007, c. 240, Pt. XXXX, §13, is amended to read:

A. "Existing debt" means any bond, note, loan agreement, lease-purchase agreement or other debt instrument issued prior to July 1, 2008~~1st of the first operational year of the new unit~~ for the purposes of funding public schools, or for refinancing such debt, that remains outstanding at the time of a reorganization pursuant to this chapter. "Existing debt" does not include routine payables or commercial contract obligations.

**Sec. 7. 20-A MRSA §1506, sub-§4,** as enacted by PL 2007, c. 240, Pt. XXXX, §13, is amended to read:

**4. Debt of original education units.** After July 1, 2008~~1st of the first operational year of the new unit~~ for each original education unit with existing debt that has reorganized into a new unit, if the new unit has not agreed to assume liability to pay that existing debt, the regional school unit board shall serve as agent for purposes of that existing debt and has full authority to:

- A. Sue and be sued in the name of the original education unit with respect to the existing debt;
- B. Determine the debt service due each fiscal year on any existing debt;
- C. As applicable, allocate to each member of the original education unit the member's share of the annual debt service for the existing debt of the original education unit in addition to each member's share of costs of the new unit;
- D. Collect the allocation for debt service on the existing debt from the original education unit or, as applicable, from each member of the original education unit in addition to each member's share of costs of the new unit;
- E. Pay the debt service on the existing debt of the original education unit when due; and
- F. Take all other actions necessary and proper with respect to the existing debt.

Allocations between members of the original education unit to pay the debt service for the existing debt must be made on the basis of the cost-sharing formula of the original education unit in effect on July 1, 2007, as applied to the year of allocation. In the case of state-subsidized debt service, the provisions of subsection 3 apply. Amounts to pay the debt service on the existing debt of the original education units must be included in the budget that the regional school unit board of a new unit submits for approval. If the original education unit is divided between different new units that have not agreed to assume liability to pay the existing debt, the commissioner shall require that the reorganization plan of one of those new units provide for that new unit to serve as agent for purposes of the existing debt of the original education

unit. That new unit, as agent, has the authority provided by this subsection, except that the new unit shall notify the other new units containing members of the original education unit of the amounts they must assess and collect from their members who were members of the original education unit, and those other new units shall perform the functions in subsection 4, paragraphs C and D with respect to their members, and shall pay the appropriate amounts over to the new unit serving as agent.

**Sec. 8. 20-A MRSA §1512, sub-§6,** as enacted by PL 2007, c. 240, Pt. XXXX, §13, is amended to read:

**6. Multiple municipalities.** If a school proposed for closure is an ~~elementary~~ school that serves students from more than one municipality, the article set forth in subsection 1 must be submitted to the voters in each of the municipalities that sent all ~~elementary~~ students from that municipality to the school. If the article is approved by a majority of the voters in each of the municipalities, the school is not closed and the municipalities share in the costs under this section in the same proportion as they share the current operating costs of the school.’

Amend the bill by striking out all of section 4 and inserting the following:

**Sec. 4. 20-A MRSA §1701-C,** as enacted by PL 2007, c. 240, Pt. XXXX, §16, is amended to read:

#### **§ 1701-C. Mandatory budget validation and cost center summary budget form**

Notwithstanding any other law, community school district budgets developed after January 1, 2008 must conform to the format and referendum procedures for regional school units as set forth in sections 1701-A and 1701-B1485 and 1486. A community school district is deemed to be a regional school unit solely for the purpose of developing a budget pursuant to sections 1485 and 1486.

**Sec. 5. 20-A MRSA §2303,** as amended by PL 1987, c. 737, Pt. C, §§52 and 106 and PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

#### **§ 2303. Additional school committee members**

Notwithstanding section 2302, a municipality may vote at its annual meeting to have 5 up to 7 members on the school committee.

**1. Vote.** The municipality may vote to ~~have a 5-member board~~ expand its school committee at:

A. Its annual meeting; or

B. ~~At a~~ A special town meeting held at least 30 days before the annual meeting, if a municipality has accepted Title 30-A, section 2528, relative to secret ballot.

**2. Election of additional members.** The municipality may, at its annual meeting, elect by ballot ~~3~~ 3 additional school committee members to serve with the ~~2~~ 2 members whose terms have not expired.

**Sec. 6. 20-A MRSA §2307,** as enacted by PL 2007, c. 240, Pt. XXXX, §21, is amended to read:

#### **§ 2307. School budgets**

Notwithstanding any other law, municipal school budgets developed after January 1, 2008 must follow the same school budget requirements as regional school units pursuant to chapter 103-A, except as described in subsections 1 and 2. A municipal school unit is deemed to be a regional school unit solely for the purpose of developing a budget pursuant to chapter 103-A.

**1. Budget meeting.** In charter municipalities the budget meeting required by section 1485, subsection 3 must be a meeting of the municipal council or other municipal legislative body established by the charter with authority to approve the budget.

**2. Municipal charter.** In charter municipalities where the municipal charter confers upon a municipal council or other municipal legislative body the authority to determine the total amount of the school budget and confers upon the school committee or school board the authority to direct the expenditure of those funds for school purposes, the municipal council or other municipal legislative body shall determine the total amount of the school budget to be submitted to a budget validation referendum and the school committee or school board shall determine the allocation of the approved school budget among the cost centers of the cost center summary budget format.'

Amend the bill by inserting after section 10 the following:

**'Sec. 11. 20-A MRSA §15688, sub-§3-A, ¶C,** as amended by PL 2007, c. 240, Pt. XXXX, §30, is further amended to read:

C. For a school administrative district, community school district or regional school unit composed of more than one municipality, the unit's contribution to the total cost of education is the lesser of:

(1) The total cost as described in subsection 1; and

,

(2) The sum of the totals calculated for each member municipality pursuant to paragraph B, subparagraph (2), ~~plus the total calculated pursuant to paragraph B-1 if applicable.~~

Amend the bill by inserting after section 11 the following:

**'Sec. 12. PL 2007, c. 240, Pt. XXXX, §36, sub-§6, ¶A-1** is enacted to read:

A-1. Notwithstanding the requirements of paragraph A, the Commissioner of Education may authorize a unit to serve 1,200 or fewer students but not less than 1,000 students in an isolated rural community if the proposed regional school unit meets at least one of the following criteria:

(1) The proposed regional school unit comprises 3 or more school administrative units in existence prior to July 1, 2008;

(2) The member municipalities of the proposed regional school unit are surrounded by approved regional school units and there are no other school administrative units available to join the proposed regional school unit; or

(3) The member municipalities of the proposed regional school unit include 2 or more isolated small schools that are eligible for an isolated small school adjustment pursuant to the Maine Revised Statutes, Title 20-A, section 15683, subsection 1, paragraph F.

In cases where the Commissioner of Education denies the creation of a regional school unit that serves 1,200 or fewer students but not less than 1,000 students, the school administrative units may appeal to the State Board of Education.

**Sec. 13. Delay of budget validation referendum process for fiscal year 2008-09.**

Notwithstanding the Maine Revised Statutes, Title 20-A, sections 1305-C, 1701-C and 2307 and the provisions of Title 20-A, section 1486, subsections 1 to 3, the use of the budget validation referendum in regional school unit budgets is delayed until the development of school budgets after January 1, 2009 for 2009-2010 school budgets. The municipal school unit's municipal officers or the governing body of a school administrative district or community school district shall determine whether the school administrative unit may use the budget validation referendum process for their 2008-2009 school budgets.

**Sec. 14. Retroactivity.** Those sections of this Act that amend the Maine Revised Statutes, Title 20-A, sections 1305-C, 1701-C and 2307 apply retroactively to January 1, 2008.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

## SUMMARY

This amendment is the majority report of the Joint Standing Committee on Education and Cultural Affairs.

1. The amendment delays the implementation of the budget validation referendum process for school administrative districts, community school districts and municipal school units until fiscal year 2009-10 to coincide with the formation of the 2009-2010 school budgets for new regional school units that are organized pursuant to Public Law 2007, chapter 240, Part XXXX. The amendment also allows school administrative districts, community school districts and municipal school units the option of using the budget validation referendum process for the formation of 2008-2009 school budgets.

2. The amendment clarifies the authorization provided to regional planning committees to negotiate a cost-sharing agreement for those costs of a proposed regional school unit that are in addition to the local contribution required pursuant to the Maine Revised Statutes, Title 20-A, section 15690.

3. The amendment repeals a cross-reference to the unit of law that is repealed in the bill regarding the requirement that each municipality that is a member of a new regional school unit contribute a minimum of 2 mills of the municipality's property fiscal capacity to the total cost of education of the new regional school unit.

4. The amendment includes language inadvertently left out of the bill regarding the requirement that the reorganization plan include a process for amending the cost-sharing formula.

5. The amendment clarifies the roles of the municipal officers and the school committee for municipal school units whose municipal charters give authority to approve the school budget to the

municipal officers and establishes the requirements for calling a budget meeting and the procedures for the budget meeting.

6. The amendment clarifies the relationship between a regional school unit board and a local school that seeks to raise additional funds for an elementary school or a secondary school that is owned or managed by the member municipality. The amendment also removes 2 references to "elementary" schools in the school closure provisions to clarify that secondary schools are also subject to these requirements.

7. The amendment permits the Commissioner of Education to authorize so-called "doughnut hole" school units that have 1,200 or fewer students and no other available reorganization partners to form a regional school unit that serves at least 1,000 students if these isolated, rural school units meet certain criteria.

8. The amendment clarifies the assumption of existing debt that is transferred from an original education unit to a new regional school unit that is formed after July 1, 2008.

9. The amendment provides regional school unit boards with the legal authority to receive and spend state and local funds, including funds for the election of regional school unit board members and to hire a superintendent prior to the operational date of the new regional school unit on July 1, 2009.

**FISCAL NOTE REQUIRED**  
**(See attached)**